UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,190	12/09/1999	BRADLEY CAIN	2204/185	8564

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EXAMINER
VO, LILIAN

ART UNIT	PAPER NUMBER
2195	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
		09/458,190	CAIN, BRADLEY
Office Action Summary		Examiner	Art Unit
		Lilian Vo	2195

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 August 2005*.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6,8-11 and 13-15* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-6,8-11 and 13-15* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *09 December 1999* is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this

application because of Draftperson's Review mailed May 17, 2005. Applicant is advised

to employ the services of a competent patent draftsperson outside the Office, as the

U.S. Patent and Trademark Office no longer prepares new drawings. The corrected

drawings are required in reply to the Office action to avoid abandonment of the

application. The requirement for corrected drawings will not be held in abeyance.

Claim Objections

1.   Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form. Claim 2 indicates the same

limitations as disclosed in claim 1. Therefore, claim 2 does not limit claim 1 and is

objected to.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public
> use or on sale in this country, more than one year prior to the date of application for patent in the United
> States.

3.   Claims 1-3, 5, 6, 8, 10, 11, 13 and 15 are rejected under 35 U.S.C. 102(b) as

being anticipated by CRAYFORD (U.S. Patent 5,404,544).

As to claims 1 and 2, CRAYFORD teaches a computer implemented method for

expediting a selected operation (normal operations / data flow transmissions) in a

computer system (system), the method comprising: associating a plurality of routing

operations (normal operations / data flow transmissions) (col. 7, lines 15-46) with an

operating system routing task (MAC / operating software), the plurality of routing

operations including the selected operation (normal operations / data flow

transmissions); executing the operating system routing tasks at a low priority level

(power saving mode / normal mode) prior to performing the selected operation; and

raising the operating system routing task to a high priority level (normal mode / power

saving mode) in order to perform the selected operation in response to a detection of a

trigger condition (indication of a link status) comprising a link state advertising message

indicating that the selected operation is to be performed (via the link status indicating

that a link is established to thereby allowing the MAC / operating software to execute

the normal operations) (col. 4, lines 7-43; col. 8, lines 6-22; abstract). It is inherent from

the teachings of CRAYFORD that the inactive (sleep) and active (normal) modes have a

priority level to one another since the sleep mode is either low (col. 7, lines 55-66) or

high in relation to the other mode (abstract).

As to claim 3, CRAYFORD teaches the operating system task is a routing task

(via performing data flow transmissions) (col. 7, lines 15-46) and wherein the link state

advertisement protocol message includes link status information (via indicating the status condition of a link) (abstract).

As to claim 5, CRAYFORD teaches lowering the operating system task to the low priority level upon completion of the selected operation (via the link is not connected anymore and therefore the status of the link is disconnected such that the MAC / operating software returns to a sleep mode) (col. 4, lines 7-43; col. 8, lines 6-22; abstract).

As to claims 6, 8 and 10, reference is made to a computer device that corresponds to the method of claims 1-3 and 5 and is therefore met by the rejection of claims 1-3 and 5 above.

As to claims 11, 13 and 15, reference is made to a program product that corresponds to the method of claims 1-3 and 5 and is therefore met by the rejection of claims 1-3 and 5 above.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 4, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over CRAYFORD (U.S. Patent 5,404,544) in view of Applicant's Admitted Prior Art

(APA).

As to claim 4, CRAYFORD teaches executing routing operations by the operating

system task (MAC / operating software) based on information received in a link state

protocol message (link status) (col. 4, lines 7-43; col. 8, lines 6-22; abstract).

CRAYFORD also teaches that varies changes can be made based upon the cited

invention (col. 8, lines 39-43). However, CRAYFORD does not teach that the

operations are Dijkstra operations.

APA teaches that when a node receives a LSA message, the node updates its

topology information database by running a specil algorithm to determine the routes

based upon the updated topology information wherein a well-known algorithm for

determining the routes is a Dijkstra shortest path algorithm (pg. 1, lines 26-30).

Therefore, it would be obvious to combine the teachings of CRAYFORD with the

teachings of APA in order to facilitate computation of a shortest path based upon a link

state advertisement (col. 30, lines 30-31).

As to claim 9, reference is made to a computer device that corresponds to the

method of claim 4 and is therefore met by the rejection of claim 4 above.

As to claim 14, reference is made to a program product that corresponds to the

method of claim 4 and is therefore met by the rejection of claim 4 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is (571) 272-3774 or Lewis A. Bullock, Jr. at (571) 272-3759 in her absence. The examiner can normally be reached on Monday-Friday, 8:30 - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER

December 8, 2005